

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at KNOXVILLE

JAMES M. LOVEDAY)
)
)
Petitioner,)
)
)
v.) No. 3:05-cv-572
) Phillips
WAYNE BRANDON, Warden)
)
)
Respondent.)

JUDGMENT ORDER

In accordance with the accompanying Memorandum, the petition for the writ of habeas corpus is **DENIED** as time-barred and this action is **DISMISSED**. Should the petitioner give timely notice of an appeal from this decision, such notice will be treated as an application for a certificate of appealability, which under the circumstances is hereby **DENIED**. The court further **DENIES** the petitioner leave to proceed *in forma pauperis* on appeal.

E N T E R:

s/ Thomas W. Phillips
United States District Judge